

REMARKS

Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested. Claim 1-5, as amended, remain pending herein.

At the outset, Applicant notes with appreciation the indication in the Office Action that claims 2, 4 and 5 are allowed.

Claims 1 and 3 stand rejected under 35 U.S.C. §112, second paragraph. Claims 1 and 3 stand rejected 35 U.S.C. 103(a), as allegedly being unpatentable over the APA, which is an IEEE 802.3ah publication entitled "Ethernet in the First Mile Task Force, dated October 2001 and submitted by Applicant as part an Information Disclosure Statement) in view of Han (U.S. 6,873,599). Claims 1 and 3 have been cancelled with out prejudice or disclaimer. As such, the rejections on these claims are moot.

In view of the foregoing, Applicant respectfully submits that all grounds of rejection have been overcome, and all of the claims are in condition for allowance. A Notice of Allowance is respectfully requested.

The Examiner is invited to contact the undersigned in the event of any perceived outstanding issues so that passage of the case to issue can be realized without the need for a further Office Action.

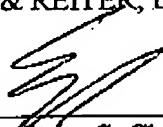
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While no fees are believed due at this time, please credit any overage or charge any deficiency to
Deposit Account 502-470.

Respectfully submitted,

CHA & REITER, LLC


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Date: July 30, 2008

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